Application No. 09/893,736

Atty. Docket No. 042390.P11033
Examiner: Taghi T. Arani
TC/A.U. 2131

REMARKS

Claims 1-16, 19-23, and 25-28 are pending. Claims 17-18, 24, and 29-34 were previously cancelled.

Claims 1, 6, 23, 25, and 27 have been newly rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner is now of the opinion that the phrase "a more secure security configuration proposal is offered before a less secure security configuration proposal" is indefinite since the terms "more" and "less" are relative.

It is respectfully submitted that the terms "more secure" and "less secure" would not be indefinite to one of ordinary skill in the art. Many different security policies or proposals exist of varying levels of security (e.g. more/less bits of encryption, more/less complex algorithms and parameter/attribute settings, etc.) depending on the application and what may be supported by the clients and gateway involved. Nevertheless, the independent claims have been amended to now recite "the first peer orders the plurality of security configuration proposals such that a security configuration proposal having a higher level of security is offered before a security

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configuration proposal <u>having a lesser level of security</u>" (emphasis added).

Support for this may be found for example in paragraph [0036] of the

application as filed.

Based on the above discussion, taken with the clarifying amendments,

it is respectfully submitted that the claims are clear and definite within the

meaning of § 112, second paragraph, and the rejection should be withdrawn.

In the present Office Action, the previous allowance of claims 1-5, 6-

16, 19-23, and 25-28 has been withdrawn in view of information pointed out

by Applicant in the D. Maughan (ISAKMP) reference. Applicants note with

appreciation the Examiner's willingness to reconsider the teachings of this

reference and offer a new non-final Action.

Claims 1, 3-7, 9-16, 19-23, 25-26, and 27 stand rejected under 35

U.S.C. § 103 as being unpatentable over D. Harkins "The Internet Key

Exchange" (hereinafter <u>IKE</u>) in view of Maughan (Internet Security

Association and Key Management Protocol" (hereinafter <u>ISAKMP</u>), both of

record.

Claims 2, 8, 26, and 28 stand rejected under 35 U.S.C. § 103(a) as

being unpatentable over IKE and D. Dukes et al., "ISAKMP Configuration

Model", The Internet- Draft, March 2000, further in view of Y. Dylan et al.,

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"IKE Base Mode", Internet-Draft, January 2000.

These rejections are respectfully traversed based on the following discussion.

Briefly, embodiments of the present invention offer a way to dynamically configure a secure tunnel between a client (first peer) and a remote Gateway (second peer) over a network, such as the Internet. During a Phase 1 negotiation, the first peer offers a plurality of security configuration proposals. The second peer may then select one of these security configuration proposals and send its choice back to the first peer.

All of the references have been previously discussed. The only new issue is the matter Maughan (Internet Security Association and Key Management Protocol" (hereinafter ISAKMP) which the Examiner relies on to teach "offering more secure proposals before less secure proposals". The previous discussion of the other references is incorporated herein by reference for completeness of response and not resubmitted herein for clarity.

However, it is respectfully submitted that this is not exactly what ISKMP teaches. In fact, what ISKMP actually does is defines a "proposal" as "a list, in decreasing order of preference, of the protection suites that a system

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<u>considers acceptable to protect traffic under a given situation</u>".

Offering a list in decreasing order of preference is not the same as offering "more secure proposals before les secure proposals. Applicants submit that "preference" as used by ISKMP does not necessarily indicate "more to less secure" since a particular protection suite may be "preferred" for any number of reasons including, complexity, overhead, etc. in a given traffic situation. Further a protection "suite" does not commonly denote security protocols, but rather software bundles or software suite used for things such as virus protection, spam protection, URL filtering, etc.

Nothing in the ISKMP reference, alone or in combination with the other art of record teaches or suggests ordering "security configuration proposal <u>having a higher level of security</u> is offered before a security configuration proposal <u>having a lesser level of security</u>" as claimed. The teachings of ISKMP are <u>ambiguous</u> on this topic at best. Deficiencies in the factual basis needed to support a rejection under 35 U.S.C. §103 cannot be supplied by resorting to speculation or unsupported generalities.

In view of the foregoing, it requested that the application be reconsidered, that claims 1-16, 19-23, and 25-28 be allowed and that the application be passed to issue. Please charge any shortages and credit any

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overcharges to our Deposit Account number 50-0221.

Should the examiner find the application to be other than in condition

for allowance, the examiner is requested to contact the undersigned at the local

telephone number listed below to discuss any other changes deemed necessary

in a telephonic interview.

Respectfully submitted,

Dated: 5-20-05

/Kevin A. Reif/

Kevin A. Reif
Reg. No. 36,381

INTEL
LF1-102
4050 Lafayette Center Drive
Chantilly, Virginia 20151
(703) 633-6834

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